Per G.S.Singhvi, CJ

The petitioner Shri K.K. Sherwani, who is practicing as an advocate and claims himself to be Secretary, Telugu Desam Party, State Legal Cell, has filed this petition in the name of public interest for restraining Hyderabad Urban Development Authority(HUDA) from auctioning the land measuring about 100 acres situated in Kokapet Village.

In the affidavit filed by him, the petitioner has referred to the genesis of the litigation relating to the land in question and averred that even though by virtue of Muntakhab No.57 of 55, the land stood vested in the persons named in Ex.P.4, the State Government has illegally transferred the land to HUDA and the latter is now seeking to dispose of the same by open auction. The petitioner has accused the respondents of trying to deprive the small farmers of their land and has pleaded that he is entitled to seek intervention of the Court through this petition filed as *pro bono publico*.

We have heard Shri N.V. Krishna Murthy and carefully perused the record. In our opinion, this petition cannot be entertained as public interest litigation. It is neither the pleaded case of the petitioner nor any material has been placed before the Court to show that the persons whose names figure in Muntakhab No.57 of 55 are, on account of economic or physical disability or illiteracy and ignorance, disabled from seeking protection of the

Court against the alleged deprivation of their property right. It is, therefore, reasonable to presume that the persons who are sought to be deprived of their land are capable of vindicating their rights by availing appropriate legal remedy. The petitioner does not have any direct or indirect interest in the matter. His status is not more than that of a by-stander. Therefore, he cannot be allowed to invoke jurisdiction of this Court under Article 226 of the Constitution of India for nullifying the auction held by HUDA.

There is another reason for our disinclination to entertain the petitioner's prayer. None of the persons who took part in the auction held by HUDA on 20.07.2006 and who may have given highest bid has been impleaded as party respondent and without hearing such persons the auction proceedings cannot be nullified.

For the reasons stated above, the writ petition is dismissed. However, it is made clear that the order will not in any manner affect the right of the persons named in Muntakhab No.57 of 55 to question the action of HUDA to auction the land by availing appropriate legal remedy.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY,J

21.07.2006
svs/ksld